

1 Amanda J. Beane, WSBA No. 33070  
Perkins Coie LLP  
2 1201 Third Avenue, Suite 4900  
Seattle, Washington 98101-3099  
3 Telephone: +1.206.359.8000  
Facsimile: +1.206.359.9000  
4

5 Julia Z. Marks, WSBA No. 59704  
Legal Voice  
907 Pine Street, Suite 500  
6 Seattle, Washington 98101  
Telephone: +1.206.682.9552  
7

8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF WASHINGTON

10 STATE OF WASHINGTON ET AL.,

11 Plaintiffs,

12 v.

13 UNITED STATES FOOD AND DRUG  
14 ADMINISTRATON ET AL.,

15 Defendants.  
16  
17  
18

No. 1:23-cv-03026

ASIAN PACIFIC INSTITUTE  
ON GENDER BASED  
VIOLENCE, THE FAMILY  
VIOLENCE APPELLATE  
PROJECT, IDAHO COALITION  
AGAINST SEXUAL AND  
DOMESTIC VIOLENCE,  
LEGAL VOICE, SEXUAL  
VIOLENCE LAW CENTER,  
AND THE WASHINGTON  
STATE COALITION AGAINST  
DOMESTIC VIOLENCE'S  
MOTION FOR LEAVE TO FILE  
AMICUS CURIAE BRIEF

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25 ASIAN PACIFIC INSTITUTE ON GENDER BASED  
VIOLENCE ET AL.'S MOTION FOR LEAVE TO FILE  
26 AMICUS CURIAE BRIEF (No. 1:23-cv-03026)

**Perkins Coie LLP**  
1201 Third Avenue, Suite 4900  
Seattle, Washington 98101-3099  
Phone: +1.206.359.8000  
Fax: +1.206.359.9000

1 The Asian Pacific Institute on Gender Based Violence, the Family Violence  
 2 Appellate Project, Idaho Coalition Against Sexual and Domestic Violence, Legal  
 3 Voice, Sexual Violence Law Center, and the Washington State Coalition Against  
 4 Domestic Violence (“Amici”) respectfully move this Court for leave to file an  
 5 amicus curiae brief in the above-captioned case in support of Plaintiffs’ Motion for  
 6 a Preliminary Injunction (Dkt. 3), calendared for hearing before this Court on March  
 7 28, 2023 at 8:30am. A copy of the proposed amicus curiae brief is attached as Exhibit  
 8 A to this motion. Amici have conferred with the parties concerning the filing of this  
 9 motion. Counsel for Plaintiffs and Defendants have consented to this motion.

### 10 I. LEGAL STANDARD

11 The court has discretion to grant permission to an amicus curiae to file a brief.  
 12 *Hoptowit v. Ray*, 682 F.2d 1237, 1260 (9th Cir. 1982), *abrogated on other grounds*  
 13 *by Sandin v. Conner*, 515 U.S. 472 (1995). “An amicus brief should normally be  
 14 allowed . . . when the amicus has unique information or perspective that can help the  
 15 court beyond the help that the lawyers for the parties are able to provide.” *Cnty.*  
 16 *Ass’n for Restoration of the Env’t (CARE) v. DeRuyter Bros. Dairy*, 54 F. Supp. 2d  
 17 974, 975 (E.D. Wash. 1999); *see also Miller-Wohl Co. v. Comm’r of Lab. & Indus.*  
 18 *State of Mont.*, 694 F.2d 203, 204 (9th Cir. 1982) (the “classic role” of an amicus  
 19 brief is to “assist[] in a case of general public interest, supplement[] the efforts of  
 20 counsel, and draw[] the court’s attention to law that escaped consideration.”). And  
 21 there is no requirement that amici be “totally disinterested.” *Funbus Sys., Inc. v.*  
 22 *C.P.U.C.*, 801 F.2d 1120, 1124 (9th Cir. 1986) (citing *Hoptowit*, 682 F.2d at 1260).  
 23 Rather, the “perfectly permissible role” of amici is to “take a legal position and  
 24 present legal arguments in support of it.” *Id.* (citing *Miller-Wohl*, 694 F.2d at 204).  
 25 For the reasons explained below, Amici satisfy these criteria.

## II. ARGUMENT

### A. Amici Have Strong Interests in this Case.

Amici are experts in law, social science, and advocacy supporting survivors of intimate partner violence (“IPV”) and have a strong interest in this case.

The Asian Pacific Institute on Gender Based Violence (API-GBV) is a national resource center on domestic violence, sexual violence, trafficking, and other forms of gender-based violence impacting Asian and Pacific Islander and immigrant communities. *See About Us*, Asian Pacific Institute on Gender-Based Violence, <https://www.api-gbv.org/about-us/> (last visited Mar. 21, 2023).

Family Violence Appellate Project (“FVAP”) is a California and Washington state non-profit legal organization whose mission is to ensure the safety and well-being of survivors of domestic violence and other forms of intimate partner, family, and gender-based abuse by helping them obtain effective appellate representation. *See About Us*, Family Violence Appellate Project, <https://fvaplaw.org/about-us/> (last visited Mar. 21, 2023). FVAP provides legal assistance to survivors of abuse at the appellate level through direct representation and collaboration with pro bono attorneys, advocates for survivors on important legal issues, and offers training and legal support for legal services providers and domestic violence, sexual assault, and human trafficking counselors. *Id.* FVAP’s work contributes to a growing body of case law that provides the safeguards necessary for survivors of abuse and their children to obtain relief from abuse through the courts. *Id.*

The Idaho Coalition Against Sexual & Domestic Violence works to end violence and to engage voices to create change in the prevention, intervention, and response to domestic violence, dating abuse, stalking, and sexual assault. *See About Us*, Idaho Coalition Against Sexual & Domestic Violence, <https://idvsa.org/about-us/who-are-we/> (last visited Mar. 21, 2023). The Coalition works to center

1 wholeness and collective liberation and move toward beloved communities and  
2 collective thriving free from gender violence and systemic oppression. *Id.* The  
3 Coalition strives to provide safe, compassionate, trauma-informed, inclusive, and  
4 accessible services to people who have been exposed to violence, especially those  
5 in historically marginalized communities. *Id.*

6 Legal Voice is a non-profit, non-partisan public interest legal organization  
7 with a mission to advance gender justice in the Pacific Northwest. *See About Us,*  
8 *Legal Voice*, <https://www.legalvoice.org/about> (last visited Mar. 21, 2023). In  
9 pursuit of its mission, Legal Voice uses a combination of litigation, policy advocacy,  
10 and community education to advance economic justice, eradicate gender  
11 discrimination, ensure access to healthcare, protect reproductive freedom, and end  
12 gender-based violence. *Id.*

13 Sexual Violence Law Center is a non-profit legal services organization based  
14 in Washington that aims to protect the privacy, safety, and civil rights of survivors  
15 of sexual violence through legal representation and victim advocacy. *See About Us,*  
16 *Sexual Violence Law Center*, <https://svlawcenter.org/about-us/> (last visited Mar. 21,  
2023).

17 Washington State Coalition Against Domestic Violence (“WSCADEV”) is a  
18 non-profit 501(c)3 network of domestic violence programs across Washington State.  
19 *See About WSCADV: Mission & Vision*, Washington State Coalition Against  
20 Domestic Violence, <https://wscadv.org/mission-vision/> (last visited Mar. 21, 2023).  
21 WSCADEV believes that living a life free of violence, including physical,  
22 emotional, financial, and reproductive abuse, is a basic human right and that bodily  
23 autonomy is a cornerstone in any person’s ability to live a life free of violence, and  
24 is especially critical for survivors of domestic violence who face high rates of  
reproductive coercion and forced pregnancy at the hands of their abusers. *Id.*

**B. Amici's Expertise Will Benefit the Court and Provide Unique Information and Perspectives not Discussed by the Parties.**

Amici's proposed brief discusses how the FDA's restrictions on mifepristone affect access to abortion care for survivors of IPV, particularly survivors in rural areas and those facing systemic inequities. Amici have reviewed the briefs filed in this case to avoid unnecessary duplication of the parties' arguments. Amici provide information and perspectives that are not fully discussed in the parties' briefs but are highly relevant to the public interest in the outcome of this case.

Legal Voice brings a unique perspective as an organization that both works to improve protections for survivors of IPV and works to protect reproductive rights. *CARE*, 54 F. Supp. 2d at 975. FVAP and the Sexual Violence Law Center have deep expertise providing legal services to survivors of IPV and provide the Court with a better understanding of the challenges faced by survivors of IPV. API-GBV, the Idaho Coalition Against Sexual and Domestic Violence, and WSCADEV work closely with survivor communities and have technical expertise in programs, education, and policy related to IPV.

Legal Voice, in partnership with domestic violence organizations and advocates, including other Amici, has submitted amicus briefs on the topic of how abortion restrictions affect survivors of intimate partner violence in multiple abortion rights cases. *See, e.g.*, Br. for Legal Voice, et al. as Amici Curiae in Support of Respondents, *Dobbs v. Jackson Women's Health Org.*, 597 U.S. \_\_\_, 142 S. Ct. 2228 (2022) (No. 19-1392); Br. for Asian Pacific Institute on Gender-Based Violence, et al. as Amici Curiae in Support of Appellees, *Planned Parenthood of Montana v Montana*, 515 P.3d 301 (Mont. 2022) (DA 21-0521).

**C. Amici Have Conferred with the Parties and This Motion Will Not Unduly Delay the Court's Decision in the Pending Matter.**

Amici have conferred with the parties concerning the filing of this motion. Plaintiffs and Defendants have consented to this motion.

This motion is timely. Plaintiffs' Reply is due on March 24, 2023. The hearing on Plaintiffs' motion for a preliminary injunction is set for March 28, 2023. Thus, there is time for the Court to decide Amici's motion without unduly delaying the decision on the pending matter. *See CARE*, 54 F. Supp. 2d at 975–76 (granting Amici's Petition "on the eve of Summary Judgment motions" where the brief did not "delay proceedings").

**Conclusion**

For the forgoing reasons, Amici respectfully request that the Court grant this motion and accept for filing the accompanying amicus curiae brief.

Dated: March 22, 2023

By: s/ Amanda J. Beane

Amanda J. Beane, Bar No. 33070

**Perkins Coie LLP**

1201 Third Avenue, Suite 4900

Seattle, Washington 98101-3099

Telephone: +1.206.359.8000

Fax: +1.206.359.9000

Email: ABeane@perkinscoie.com

s/ Julia Z. Marks

Julia Z. Marks, Bar No. 59704

**Legal Voice**

907 Pine Street, Suite 500

Seattle, Washington 98101

Telephone: +1.206.682.9552

**CERTIFICATE OF SERVICE**

I hereby certify that on March 22, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System, which in turn automatically generated a Notice of Electronic Filing (NEF) to all parties in the case who are registered users of the CM/ECF system. The NEF for the foregoing specifically identifies recipients of electronic notice.

s/Amanda J. Beane

Amanda J. Beane, Bar No. 33070

**Perkins Coie LLP**

1201 Third Avenue, Suite 4900

Seattle, Washington 98101-3099

Telephone: +1.206.359.8000

Fax: +1.206.359.9000

Email: ABeane@perkinscoie.com